

REMARKS/ARGUMENTS

Claims 1-13 and 27-33, 35 and 37-46 are pending. By this Amendment, claims 34 and 36 are cancelled without prejudice of disclaimer; claims 1, 35, 37 and 38 are amended; and claims 45 and 46 are added. Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Applicants appreciate the courtesies extended by Examiner Douglas to Applicants' representatives during the telephone interview conducted August 24, 2010. The points discussed during the interview are incorporated into the remarks below and constitute Applicants' summary of the interview.

Claims 1-5, 9-13, 34-39, 43 and 44 were rejected under 35 U.S.C. §103(a) over Ho (U.S. Patent 6,435,184). The rejection is respectfully traversed.

Claim 1 recites a CPAP system comprising a mask to be placed over a wearer's face. The mask has a shell, a cushion provided to the shell to sealingly connect the mask to the wearer's face and thereby form a chamber between the shell and the wearer's face, and an inlet port in the shell to receive a flow of breathable gas. The CPAP system further comprises an air flow generator. The air flow generator is mounted on the mask and is capable of generating a pressure of about 2-40 cm H₂O in the chamber. The air flow generator comprises an impeller, a motor to drive the impeller, and a housing substantially surrounding at least the impeller. An interior of the housing conforms to a shape and size of the impeller.

As discussed during the interview, the housing of the air flow generator conforms to a shape and size of the impeller to convert the velocity of the air flow achieved by the impeller into a pressure when the outward movement of the air flow is confined by the housing. As noted by the undersigned, the air flow generator of claim 1 is capable of creating a pressure of about 2-40

cm of H₂O in the chamber formed between the shell and the wearer's face by providing a housing substantially surrounding the impeller wherein the interior of the housing conforms to a shape and size of the impeller in order to convert the velocity of the air flow into a pressure suitable for providing CPAP therapy.

As also noted by the undersigned during the interview, Ho discloses a gas mask structure which provides a fan 34 in a guide way 131 of a rear cup body 1. The fan 34 draws a flow of air through a filter body 4 and the air flow is directed through the guide way 131 into an inlet 13 of the rear cup body 1 for breathing by the user 6. However, there is no disclosure or suggestion by Ho of creating a pressure of about 2-40 cm of H₂O in the rear cup body, nor is there any disclosure or suggestion by Ho of providing a housing around the fan 34 having an interior that conforms to a shape and a size of the fan 34 so that the fan 34 is capable of creating a pressure of about 2-40 cm H₂O in the chamber defined by the rear cup body 1.

As also noted by the undersigned by the interview, Ho does not disclose or suggest a CPAP system, i.e. a system configured to deliver continuous positive airway pressure therapy to a patient. As disclosed in column 2, lines 10-12, the primary object of Ho is to provide an improved gas mask structure having a second filter body disposed in front of a first filter body. As further disclosed in column 3, lines 40-44, the motor is powered to operate the fan 34 to suck in air through the second filter body 5 and the filter body 4 to purify the air from impurities and toxins and the clean air then flows into the rear cup body 1 for the user 6 to breath. The air that flows into the rear cup body, however, is not at a pressure of about 2-40 cm of H₂O, nor is there any reason why one of ordinary skill in the art would provide a pressurized flow of breathable gas to the mask structure of Ho.

Claim 38 recites a CPAP system comprising a mask configured to cover at least a nasal region of a wearer's face and form an air chamber in communication with the airways of the wearer. The CPAP system comprises, *inter alia*, a low generator provided on an outer surface of the shell of the mask and comprising a housing having an air inlet and an air outlet. The flow generator further comprises a motor and an impeller configured to be driven by the motor. The impeller is substantially surrounded by the housing and an interior of the housing conforms to a shape and size of the impeller. The flow generator is configured to create a pressure of about 2-40 cm H₂O in the air chamber.

As discussed above with respect to claim 1, Ho does not disclose or suggest, at least, a flow generator comprising an impeller configured to be driven by a motor and being substantially surrounded by a housing that conforms to a shape and size of the impeller, as recited in claim 38. Furthermore, there is no disclosure or suggestion by Ho of a flow generator configured to create a pressure of about 2-40 cm H₂O in an air chamber, nor is there any reason why one of ordinary skill in the art would modify the mask structure of Ho to provide a flow of air at such a pressure as recited in claim 38.

Claims 2-5, 9-13, 34-37, 39, 43 and 44 recite additional features and are allowable for the same reasons discussed above with respect to claims 1 and 38 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) over Ho are respectfully requested.

Claims 6 and 40 were rejected under 35 U.S.C. §103(a) over Ho in view of Schlobohm (U.S. Patent 5,154,168); claims 41 and 42 were rejected under 35 U.S.C. §103(a) over Ho in view of Jay (U.S. Patent 6,050,262); claim 8 was rejected under 35 U.S.C. §103(a) over Ho in

view of Frater et al. (U.S. Patent 6,772,760); and claims 32 and 33 were rejected under 35 U.S.C. §103(a) over Ho in view of Starr et al. (U.S. Patent 5,517,986). The rejections are respectfully traversed.

Claims 6, 8, 32, 33 and 40-42 recite additional features and are allowable for the same reasons discussed above with respect to independent claims 1 and 38 and for the additional features recited therein. Furthermore, it is respectfully submitted that each of Schlobohm, Jay, Frater et al. and Starr et al., alone or in combination, fail to cure the deficiencies of Ho with respect to independent claims 1 and 38 and even assuming it would have been obvious to combine Ho and any one of the references, alone or in combination, such combinations would not result in the inventions of independent claims 1 and 38.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable and the entire application is in condition for allowance.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner believe that anything further is desirable to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /John P. Darling/
 John P. Darling
 Reg. No. 44,482

JPD:tlm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100